

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Wednesday, April 16, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54-1-1102.

Mark D. Kinser, Chairman, Charles W. Falwell, David O. Harris, Sr., Kenneth W. Hart, Robert M. Kirby, John Neff, Anthony R. Orange, Michael D. Redifer

Board members William A. Paulette, Robert O. Burch, Jr., Jim Hollar, Robert M. McDowell, and Jennifer Parrish were not present.

The following members of DPOR staff were also present during some or all of the meeting:

Louise Fontaine Ware, Director, Sandra Ryals, Chief Deputy Director, Eric L. Olson, Executive Director, Contractors, Sheila Watkins, Administrative Assistant, Contractors, Jennifer Kazzie, Assistant Director of Adjudication, Enforcement, Victoria Traylor, Legal Assistant

Others in attendance for all or part of the meeting:

Steve Arthur, Deputy Director of Finance and Administration

Chairman Robert Kinser called the meeting to order at 9:10 a.m. and declared that a quorum of board members were in attendance.

**Call
To Order**

A motion was made by Mr. Kirby and seconded by Mr. Neff that the agenda be approved. The motion passed unanimously. Members voting "Yes" were Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Neff, Mr. Orange, and Mr. Redifer. There were no negative votes.

**Approval
of the
Agenda**

A motion was made by Mr. Neff and seconded by Mr. Harris that the minutes of the meeting held March 05, 2003 and the IFF meetings held February 12, 2003, February 19, 2003 and February 25, 2003 be approved. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Neff, Mr. Orange, and Mr. Redifer.

**Approval
of Minutes
Board
3/05/03
and IFF
2/12,19,25/
03**

Chairman Kinser asked the members of the public whether they had any comments.

There were none

**Public
Comment
Period**

In the matter of File Number 2003-02142, Gregory Lewis, t/a G & S Construction Company, LLC, the board reviewed the Licensing File # 2003-02142 Gregory Lewis, license applicant was present and addressed the Board voicing his agreement with the hearing officer's summary and recommendation Mr Lewis also attended the IFF hearing Upon a motion by Mr Neff and seconded by Mr Orange, the board accepted the hearing officer's recommendation and granted Mr Lewis a Class C license The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Harris, Mr Hart, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Mr Burch was absent and did not vote

**6(1)
File
2003-02142**

In the matter of File Number 2003-01724, S. E. Simon Construction LLC, t/a G & S Construction Company, LLC, the board reviewed the Licensing File # 2003-01724 Steven Simon, license applicant was present and addressed the Board voicing his agreement with the hearing officer's summary and recommendation Mr. Simon also attended the IFF hearing Upon a motion by Mr Kirby and seconded by Mr Falwell, the board accepted the hearing officer's recommendation and granted Mr Simon a Class A license The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Mr Harris was recused and did not vote

**6 (18) File
2003-1724**

In the matter of File Number 2003-01640, Surveillance Equipment Group, Inc. t/a S.E. G. Inc., the board reviewed the record which consisted of the licensing File # 2003-01640 Mr Arthur C Morgan attended the meeting and addressed the board voicing his agreement with the recommendation Upon a motion by Mr. Falwell and seconded by Mr Redifer the Board adopted the hearing officer's recommendation and granted a Class B license to Mr Morgan The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Mr Harris was recused and did not vote

**6(19)
File
2003-01640**

In the matter of File Number 2001-03151, Curtis Randolph Cahill (Respondent) t/a Curtis Cahill Construction, Disciplinary File; the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the presiding board member's

**6(27)
File
2001-03151**

summary Mr Cahill appeared before the board voicing his agreement with the hearing officer's recommendation. Mr Cahill also appeared at the IFF Mr Hollar the hearing officer was absent and did not vote Mr Kirby offered a motion for a finding of no violation and that was seconded by Mr Redifer Mrs Mary Martin was present and addressed the Board on behalf of Joseph and Tina Haskins the (Complainants). She voiced the Haskins' disagreement with the hearing officer's recommendation and asked that the Board review the video that was introduced as evidence during the IFF which was attended by the Haskins and Mrs Martin (Witness for the Haskins) prior to making a decision Mr Orange noted that the video had been reviewed in the IFF proceeding and the current court hearing the Haskins' have involving Mr Cahill is pending Upon a motion made by Mr Orange and seconded by Mr Kirby, the board found no violation based upon the testimony and evidence presented at two informal fact-finding conferences that Cahill has made more than a reasonable effort to make the necessary repairs and fulfill his warranty obligation The Board noted the following section of its 1999 Regulations: 18 VAC 50-22-260.B.6 (Count I) and found no violation. The motion passed with a unanimous vote. Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer

In the matter of File Number 2002-02894, Recovery Fund Claim by Norman R. Goodrich (Claimant) v. East Coastal Construction, Inc. (Regulant), t/a East Coastal Construction, Inc, the board reviewed the recovery fund record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding board member's summary Mr Hollar was absent and did not vote Mr Goodrich (claimant) appeared before the board and voiced his agreement with the recommendation Upon a motion by Mr. Neff seconded by Mr Hart the board adopted the recommendation and granted payment of \$4,652.01. The payment of the claim is based on the retention of funds and abandonment, which falls within the definition of improper and dishonest conduct, per §54 1-1118 Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer

6(26)
File
2002-02894

In the matter of File Number 2001-02664, Todd Landreth (complainant) v Clayton Allen (respondent), Disciplinary File, the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the presiding board member's summary Mr Kirby recused himself and did not vote Mr Todd Landreth, complainant appeared at the IFF and the board meeting. Mr. Landreth addressed the Board and voiced his agreement with the

6(28)
File
2001-02664

recommendation Upon a motion by Mr Redifer seconded by Mr Falwell, the board accepted the summary and recommendation finding clear and convincing evidence that the following violations occurred 18 VAC 50-22-260(B) (12) (Effective May 1, 1999) ; 18 VAC 50-22-260(B)(6) (Effective May 1, 1999) (did not provide a written change order); 18 VAC 50-22-260 (B)(6) (Effective May 1, 1999) (failure to obtain a construction permit); 18 VAC 50-22-260 (B)(8) (Effective May 1, 1999); 18 VAC 50-22-260(B)(28) (Effective September 1, 2001. The motion passed with a unanimous vote. Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Neff, Mr Orange and Mr Redifer. Upon a motion by Mr Redifer seconded by Mr Neff, the board accepted the summary and recommendation imposing the sanction of revocation of Allen's license 2705-025308 for 18 VAC 50-22-160(B)(12) (effective May 1, 1999) and 18 VAC 50-22-260(B)(28) (effective September 1, 2001 and assessed the following monetary penalties 18 VAC 50-22-260(B) (12) (Effective May 1, 1999) \$2,500.; 18 VAC 50-22-260(B)(6) (did not provide a written change order) \$750; 18 VAC 50-22-260 (B)(6) (failure to obtain a construction permit) \$750.; 18 VAC 50-22-260 (B)(6) (final inspection) \$750.; 18 VAC 50-22-260(B)(8) \$350.; 18 VAC 50-22-260(B)(28) \$2,500. The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr. Kinser, Mr Neff, Mr Orange and Mr Redifer.

In the matter of File Number 2003-02202, Samuel Joseph Parlow, Application for Tradesman License, Licensing File, the board reviewed the record, which consisted of the licensing application file, transcript and exhibits from the IFF, and the presiding board member's summary Samuel Joseph Parlow (Applicant) appeared before the board and he also participated in the IFF meeting Mr Parlow addressed the Board at the meeting and expressed his agreement with the recommendation Mr Kirby recused himself and did not vote Upon a motion by Mr Neff, seconded by Mr Hart, the board voted to accept the recommendation and grant Mr Parlow a Tradesman's license. The motion passed with a unanimous vote Those members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Neff, Mr Orange and Mr Redifer.

6(35)
File
2003-02202

In the matter of File Number 2001-01792, Sean Sellari, President of Seclusion Builders, Inc. t/a Seclusion Builders, Inc. Disciplinary File, the board reviewed the record, which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary Mr. Sean Sellari, President of Seclusion Builders, Inc (Respondent) appeared at the IFF The respondent nor any representative

6(36)
File
2001-01792

appeared at the Board meeting Mr Kirby recused himself and did not vote Upon a motion by Mr Orange seconded by Mr Harris the Board adopted the recommendation and found no violation based on the facts presented and the documentation provide at the IFF conference for regulation section 5 7 B 6 (Effective March 31, 1995 and based on a letter provided by Mr Sellari from his basement contractor, and the fact that no building inspection was required of the basement waterproofing there was not sufficient evidence to support a violation of the building code for Regulation Section 5.7.B 21 (Effective March 31, 1995) The motion passed unanimously Those members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Neff, Mr Orange, and Mr Redifer.

In the matter of File Number 2001-02837, John Herbert Hull, Jr. t/a Quality Plumbing and Drain Services, the board reviewed the record, which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary Randy Perdue, Esquire for (Respondent) appeared at the meeting and the IFF and voiced his agreement with the recommendation for Count II and his disagreement with the recommendation for Count I He has concerns with the gas annex to real property Mr Chris Jones, Esquire for (Complainant) voiced his agreement with the recommendation but disagreement with the amount of the fine He feels the severity of the problems warrant suspension of Quality Plumbing and Drain Services license Mr Orange asked, "has annexed ever come up before?" Mr Kirby stated, "it appears natural gas to propane gas was installed by Columbia gas" Mr Neff recused himself and did not vote Upon a motion by Mr Redifer and seconded by Mr Kirby, the board amended the hearing officer's recommendation as follows Count II the building official stated a permit was required it was moved to find a violation of 18 VAC 50-30-190 (failure to secure a permit) and impose a fine of \$350 00 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange and Mr Redifer. Upon a motion by Mr Kirby seconded by Mr Orange the Board adopted the recommendation for Count I finding a violation of 1997 Tradesman Regulation 18 VAC 50-30-190(15) and a monetary penalty of \$350 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange and Mr Redifer.

6 (41)
File
2001-02837

In the matter of File Number 2003-00167, Recovery Fund Claim, John & Diane Dunlap (Claimants) and Jantzen Builders, Inc., t/a Jantzen Builders, Inc. (Regulant) the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and

6 (49)
File
2003-00167

the presiding board member's summary John and Diane Dunlap (Claimants) appeared at the meeting and the IFF and voiced their agreement with the recommendation Jantzen Builders, Inc nor any representative appeared at the Board meeting Mr Redifer recused himself and did not vote Upon a motion by Mr Orange and seconded by Mr Neff, the board accepted the hearing officer's recommendation and granted payment of \$10,000 based on the Warrant in Debt which recites "Contract breach, dishonest and improper conduct of the builder, which falls within the definition of improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote. Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange and Mr Neff

In the matter of File Number 2003-00402, Recovery Fund Claim, Kevin M & Nancy Adams (Claimants) and Dennis R. Phillips, Sr. t/a Phillips Building. (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Kevin and Nancy Adams (Claimants) appeared at the meeting and the IFF and voiced her agreement with the recommendation Dennis R Phillips was present at the meeting and voiced his disagreement with the recommendation Mr Phillips indicated there was a storm with winds of 85-90 mph and that's why about 12 shingles blew off He fixed them based on the warranty and said he doesn't have the money to satisfy the warrant in debt Mr Adams stated, "the improper installation of architectural shingles is why they experienced the blow offs" Mr Redifer recused himself and did not vote Upon a motion by Mr Kirby and seconded by Mr Orange, the board adopted the hearing officer's recommendation and approved payment in the amount of \$3,972 The payment is based on the Warrant in Debt which recites "Improper and dishonest conduct of the contractor" which falls within the definition of improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr. Kinser, Mr Kirby, Mr Orange and Mr Neff

6 (50)
File
2003-00402

In the matter of File Number 2003-00401, Recovery Fund Claim, Kevin M & Nancy Adams (Claimants) and Dennis R. Phillips, Sr. t/a Phillips Building. (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Kevin and Nancy Adams (Claimants) appeared at the meeting and the IFF and voiced her agreement with the recommendation Dennis R Phillips was present at the meeting and voiced his disagreement with the recommendation. Mr Phillips indicated there was a storm with winds of 85-90 mph and that's why about a few shingles blew off He fixed them based on the warranty

6 (54)
File
2003-00401

and said he doesn't have the money to satisfy the warrant in debt. He said that's really all he can do and the Adams' won't allow him to fix the shingles. Mr. Adams stated, "the improper installation of architectural shingles is why they experienced the blow offs." Mr. Redifer recused himself and did not vote. Upon a motion by Mr. Orange and seconded by Mr. Falwell, the board adopted the hearing officer's recommendation and approved payment in the amount of \$4,212. The payment is based on the Warrant in Debt which recites "Improper and dishonest conduct of the contractor" which falls within the definition of improper and dishonest conduct, per §54.1-1118. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Kinser, Mr. Kirby, Mr. Orange and Mr. Neff.

In the matter of File Number 2003-00031 Recovery Fund Claim, Mark and Lois Holland (Claimants) and Jeremy W. Hyer t/a Garages Unlimited (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mark and Lois Holland (Claimants) appeared at the meeting and the IFF and voiced her agreement with the recommendation. Jeremy Hyer nor any representative from Garages Unlimited was not present at the meeting. Mr. Redifer recused himself and did not vote. Upon a motion by Mr. Orange, and seconded by Mr. Neff the board adopted the hearing officer's recommendation and approved payment in the amount of \$8,673. The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest, per §54.1-1118. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Kinser, Mr. Kirby, Mr. Orange and Mr. Neff.

6 (51)
File
2003-
00031

In the matter of File Number 2003-00038, Recovery Fund Claim, Steve Thurston (Claimant) and Millennium Pools and Spas t/a Millennium Pools and Spas Inc., (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Redifer recused himself and did not vote. Mr. Steve Thurston (claimant) addressed the Board and voiced his agreement. A representative from Millennium Pools and Spas Inc. was not present. Upon a motion by Mr. Orange, and seconded by Mr. Harris the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000. The payment is based on the retention of funds and abandonment which falls

6 (58)
File
2003-00038

within "Improper and dishonest, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr. Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange and Mr Neff.

In the matter of File Number 2002-02483, Charles E Holden t/a C E Holden CO, Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0125 Christina Doughtry Cunningham appeared before the board and voiced agreement with the terms of the order There was no IFF. Upon a motion by Mr Neff, and seconded by Mr Hart the Board ratified the consent order as follows Count I, assessed no monetary penalty for violation of the Board's 2001 Regulations 18 VAC 50-22-260.(B)(22), Count II, \$250.00 and reimbursement of \$250.00 to the Department of Professional and Occupational Regulation for investigative costs for violation of the Board's 2001 Regulation 18 VAC 50-22-260-(B)(13) for a total of \$2,750. Mr Holden agrees to a one year suspension of his license as of the effective date of this Order. The one year suspension will be stayed provided Holden Pays the agreed monetary penalty and costs as set forth in the consent order, complies with the rules and regulations of the Board for Contractors for a period of one year from the effective date of the Order, and is not convicted in any state or city of any felony misdemeanor, or federal, state or local ordinance for a period of one year from the effective date of the order Mr Holden acknowledges that the agreed monetary penalties must be paid within thirty days of the consent order or his license will be automatically suspended The vote was unanimous Members voting "yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange and Mr Neff

7 (19)
File
2002-02483

In the matter of File Number 2002-02713, Cornerstone Custom Home LLC t/a Cornerstone Custom Home LLC , Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0130 Jon Kurtin, Esquire for Cornerstone Custom Home LLC appeared before the board and voiced Cornerstone Custom Home's LLC agreement with the terms of the consent order Mr Burch was absent and did not vote. Upon a motion by Mr. Orange, and seconded by Mr Redifer the Board ratified the consent order as follows Count I, a monetary penalty in the amount of \$2,500. and license revocation for a violation of the Board's 1999 Regulations 18 VAC 50-22-260.(B)(2) and the Board

7 (2)
File
2002-02713

costs in the amount of \$500. for a total of \$3,000. The Board stays the imposition of the sanction of license revocation if Dennis White, Operating Manager, for Cornerstone Custom Home LLC successfully completes the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of this order. Failure to comply will result in revocation of Cornerstone Custom Home LLC's license. Failure to pay the assessed monetary penalties of \$3,000.00 within thirty days of the order date will result in automatic license suspension. The vote was unanimous. Members voting yes were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, Mr Redifer and Mr Neff

In the matter of File Number 2002-02924, Keystone Environmental Services LLC t/a Keystone Environmental Services LLC, Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0133 Jack Young, Esquire for Keystone Environmental Services LLC appeared before the board and voiced Keystone Environmental Services LLC's agreement with the terms of the consent order. Mr Falwell recused himself and did not vote. Upon a motion by Mr Redifer, and seconded by Mr Hart the Board ratified the consent order as follows: Count I, a monetary penalty in the amount of \$500 for Board Costs and investigative costs in the amount of \$500 for a total of \$1,000 for violation of the Board's 2001 Regulations 18 VAC 50-22-260.(B)(22). Keystone agrees to pay the cited costs in accordance with the terms of the order and to comply with the Board's Regulations for a period of one year. Failure to comply with these conditions will result in the automatic revocation of Keystone's license. The vote was unanimous. Members voting yes were Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, Mr Redifer and Mr Neff

**7 (4)
File
2002-02924**

In the matter of File Number 2003-00863, Turzac Construction Corporation t/a Turzac Construction Corporation, Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0107 Chris Cashen, Esquire for Turzac Construction Corporation appeared before the board and voiced Turzac's agreement with the terms of the consent order asking that the Board consider amending the order/changing the language to reflect clarification of substantial identity of interest. Mr Paulette was absent and did not vote. Mr Larry Meyers was present at the meeting and the IFF. He addressed the Board expressing his concerns with the case. Upon a motion by Mr Neff to reflect the language clarification that was requested by Esquire for Turzac seconded by Mr Hart the Board ratified the Consent order as follows: James Hughes agrees on behalf of Turzac Construction Corporation to reimburse the Department of Professional and Occupational Regulation

**7 (22)
File
2003-00863**

the outstanding fines which resulted from file number 94-01935 in the amount of \$750. and the file number 95-00557 in the amount of \$500 for a total of \$1,250 Hughes acknowledges that the payment must be made within thirty days of the order or the license will be suspended The motion passed unanimously Members voting "Yes" were, Mr Falwell, Mr Harris, Mr Hart, Mr Kinser, Mr Kirby, Mr Orange, Mr Neff, and Mr Redifer

In the matter of File Number 2003-00277, Recovery Fund Claim, Van Thong Ho (Claimant) and Priority Construction Corporation t/a Priority Construction Corporation, (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr Redifer recused himself and did not vote. Mr Obrian, Esquire was present Mr Kirby informed the Board that his company has legal issues with the Regulant and he must also be recused. The Board determined the remaining members would not constitute a quorum for voting purposes and the case was remanded to the May 28, 2003 Board meeting by a motion that was offered by Mr Hart and seconded by Mr Harris The vote was unanimous Members voting yes were Mr Falwell, Mr Harris, Mr Hart, Mr Kinser, Mr Orange and Mr Neff

**6 (59)
File
2003-00277**

In the matter of File Number 2002-00174, Joseph L. Rose (complainant) v Clark L Bowman (respondent) t/a Bowman Trowel Construction, Disciplinary File, the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the presiding board member's summary Mr McDowell was absent and did not vote Mr Clark Bowman (complainant) appeared at the IFF and the board meeting He voiced his concerns to the board expressing he did all he possibly could to satisfy Mr Rose Upon a motion by Mr Orange seconded by Mr Redifer, the board adopted the facts in part and amended the recommendation finding clear and convincing evidence that the following violations occurred Count I, Regulation 18 VAC 50-22-260(B)(8) a finding of no violation, Count II, Regulation 18 VAC 50-22-260(B)(12) abandonment provision, Count III, Regulation 18 VAC 50-22-260 (B)(12) retention of funds, Count IV, Regulation 18 VAC 50-22-260 (B)(6) misconduct in practice; Count V, Regulation 18 VAC 50-22-260(B)(11) failure to respond to an investigator seeking information. The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer. Upon a motion by Mr Kirby seconded by Mr Orange, the board adopted the summary and

**6 (38)
File
2002-00174**

recommendation in part and amended it in part imposing the following sanctions Count I, Regulation 18 VAC 50-22-260(B)(8) a finding of no violation, Count II, Regulation 18 VAC 50-22-260(B)(12) abandonment provision \$2,500., Count III, Regulation 18 VAC 50-22-260 (B)(12) retention of funds \$2,500. Count IV, Regulation 18 VAC 50-22-260 (B)(6) misconduct in practice \$250.; Count V, Regulation 18 VAC 50-22-260(B)(11) failure to respond to an investigator seeking information \$1,000. The total penalties owed \$6,250 The penalties must be paid within sixty days of the order or it will result in automatic suspension of Bowman's license The Board amended the recommendation not to revoke Charles Bowman's license for the violation of Count II and Count III based on the testimony provided by Bowman, the Board determined a good faith effort was made by Bowman to make the necessary corrections After a review of the documents and the testimony provided, the Board voted to require Bowman to successfully complete the Board's Basic Contracting Licensing Class (remedial education class) within six months of the order The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer.

In the matter of File Number 2002-03257, Janette Edwards (complainant) v James Levin (respondent) t/a Levin's Contracting, Inc. Disciplinary File, the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the presiding board member's summary Mr Kirby recused himself and did not vote Mr James Levin (respondent) appeared at the IFF and the board meeting He voiced his concerns to the board expressing he had an error in his office and a permit was not secured prior to onset of the job When this was brought to his attention he did secure a permit and had the job inspected Upon a motion by Mr Hart seconded by Mr Redifer, the board found clear and convincing evidence that Levin's Contracting Inc , violated the following sections for its September 1, 2002 Regulations Count II, Regulation 18 VAC 50-22-260(B)(6) Building Permit \$300. penalty, Count III, Regulation 18 VAC 50-22-260(B)(10) contract provisions \$350. penalty. As to 18 VAC 50-22-260(B)(6) (acceptability of the installation) the Board closed this aspect of the file with a finding of no violation. Mr Levin's license will be automatically suspended if the penalties are not paid within sixty days of the order The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Neff, Mr Orange and Mr Redifer.

6 (33)
File
2002-03257

In the matter of File Number 2002-01714, John Hand t/a Hand Construction Inc., Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0126 John Hand for Hand Construction appeared before the board and voiced his agreement with the terms of the consent order There was no IFF Upon a motion by Mr Neff seconded by Mr Hart the Board ratified the Consent order as follows for Count I, a monetary penalty of \$1,000 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(6), for a total of \$1,000 hereby imposed Mr Hand acknowledges that the penalty must be paid within thirty days of the order or Hand Construction Inc's license will be suspended. The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer.

7 (17)
File
2002-01714

In the matter of File Number 2000-01843, Brenda and Allen Dillon (Complainants) and Tracy A Swann & Martin W Swann, Jr. t/a Swann Construction, Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0145. Brenda and Allen Dillon (complainants) appeared at the IFF and before the board and voiced their opinion concerning the terms of the consent order They were concerned about Count II and the written change orders and Count III The Dillon's indicated their signatures were reproduced without their permission and that they shared this information in the IFF hearing as it pertained to Count III but Count III was left out of the consent order Mr Kinser recused himself and did not vote Upon a motion by Mr Neff seconded by Mr Redifer the Board rejected the Consent order The vote was unanimous Members voting yes were Mr Falwell, Mr Harris, Mr Hart, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion by Mr Falwell seconded by Mr Redifer the Board voted to remand the case back to the hearing officer for additional review with focus on the absence of Count III within the Consent Order The vote was unanimous Members voting yes were. Mr Falwell, Mr. Hart, Mr Harris, Mr. Kirby, Mr Neff, Mr Orange and Mr Redifer

7 (5)
File
2000-01843

In the matter of File Numbers 2001-02556, 2001-03093, 2001-03233, 2001-03274, 2001-03282, and 2001-03559 Gulf-Link US INC t/a Roof Depot Metro, the board reviewed the Consent Orders # 2003-0117, 2003-0119, 2003-0116, 2003-0118, 2003-0115, and 2003-0114. Dawn Parrish, President of Gulf-Link US Inc. attended the IFF but not the Board meeting. Mr. Kirby recused himself and did not vote. Mr. Harris recused himself and did not vote. It was determined that the necessary quorum could not be met so the cases 2001-02656, 2001-03093, 2001-03233, 2001-03274, 2001-03282, 2001-03559 were remanded to the May 28, 2003 meeting upon a motion by Mr. Orange

7
(6)(7)(8)(9)
(10) and
(11)
Files
2001-02656
2001-03093
2001-03233
2001-03274
2001-03282

seconded by Mr. Redifer. The vote was unanimous. Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Kinser, Mr. Neff, Mr. Orange and Mr. Redifer.

2001-03559

In the matter of File Number 2001-01866, Ashley and Dorothy Maynard (complainants) and Henry Lee Milian (Respondents) t/a Milian & Sons the board reviewed the record which consisted of the Disciplinary File, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Ashley nor Dorothy Maynard nor any other representative made an appearance at the Board meeting but they both attended the IFF Mr. Milian was present at the IFF and the Board meeting He addressed the Board expressing that he felt the complainants lied First they only wanted siding and windows and then things moved out of control The complainants were his relatives and he has learned not to work for relatives again He asked the Board to not revoke his license because he feels he exhibited a good faith effort trying to satisfy the complainants Mr. Kirby recused himself and did not vote Upon a motion by Mr Neff seconded by Redifer to find for the violations as stated in the hearing officer's recommendations, the motion was withdrawn by Mr. Neff. Mr. Neff accepted a friendly amendment by Mr. Orange; Mr. Orange motioned to assess the penalties as follows: (Count I) for violation of the Board's 1995, Regulation, amended July 15, 1998). 18 VAC 50-22-260(B)(8) \$500. (failure to make use of a legible written contract). (Count II) violation of the Board's 1995, Regulation, §54.1-1103 of the code of VA as amended 18 VAC 50-22-260(B)(1) \$1,000. (performing work in excess of the \$7,500 license limit of a Class C). (Count III) effective March 31, 1995, amended July 15, 1998) 18 VAC 50-22-260(B)(12) \$1,000. (failure to complete work – abandonment). The motion was carried and the vote was unanimous Members voting yes were: Mr Falwell, Mr Harris, Mr. Hart, Mr Kinser, Mr Neff, Mr Orange and Mr Redifer Upon a motion by Mr. Neff seconded by Mr. Kinser Mr. Milian was required to complete the Board's basic Contracting Licensing Class (remedial education) within a six month period of this order and the Board voted to remove the revocation because they didn't feel the seriousness of the issues involved warranted license revocation. The sanctions were as follows: the Board found clear and convincing evidence that Henry Lee Milian violated the following sections of its Regulations: 18 VAC 50-22-260(B)(8) effective March 31, 1995, amended July 15, 1998; 18 VAC 50-22-260-260 (B)(1), to wit: Section 54.1-1103 of the Code of VA as amended; 18 VAC 50-22-260(B)(12) effective March 31, 1995, amended July 15, 1998. The motion was carried and the vote was unanimous.

6 (32)

File

2001-01866

Members voting yes were: Mr Falwell, Mr Harris, Mr Hart, Mr Kinser, Mr Neff, Mr Orange and Mr Redifer.

In the matter of File Number 2001-00447, John Richard Heuneman Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Mr Harris recused himself and did not vote Mr Heuneman appeared at the Board meeting and he did not attend the IFF Mr Heuneman addressed the Board and voiced his disagreement with the Boards decision He shared with the Board with his lawyer's advice telling him his record had been expunged and until a few years ago when he tried to vote and had some problems that's when he realized his criminal past was showing up Therefore when he applied for a Master's he voluntarily submitted the Criminal Record information hoping it would not be held against Upon a motion by Mr Falwell seconded by Mr Harris the Board found clear and convincing evidence that Heunemen violated the following sections of its 1997 Tradesman Regulations: 18 VAC 50-30-190(2) The motion passed unanimously and members voting yes were. Mr Falwell, Mr. Hart, Mr Kinser, Mr Kirby, Mr Neff, Mr. Orange and Mr Redifer Upon a motion by Mr Falwell seconded by Mr Orange the Board amended the Recommendation of imposing a \$500 00 monetary penalty and instead decreased the amount to \$250 00 Regulation 18 VAC 50-30-190(2) due to the fact that Heuneman did disclose the information concerning the felony conviction voluntarily. The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr. Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer

6 (15)
File
2000-03705

In the matter of File Number 2002-00649, Argene Denning (Complainant) v Lynn Contracting, Inc. (Respondent) t/a Lynn Plumbing Disciplinary File, the board reviewed the file which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Lynn Contracting, Inc did not attend the Board meeting nor the IFF Argene Denning (Complainant) did attend the IFF Mr Burch was absent himself and did not vote Upon a motion for the violations by Mr Redifer seconded by Mr Neff, the board found clear and convincing evidence that Lynn Contracting, Inc. violated the following sections of its 1999 Regulations: (Count I) failure to use a legible contract, 18 VAC 50-22-260(B)(8), (Count II) failure to use written change orders, 18 VAC

6(2)
File
2002-00649

50-22-260(B)(6), (Count III) failure to complete work, 18 VAC 50-22-260(B)(12), (Count IV) retention of funds, 18 VAC 50-22-260(B)(12) and license revocation. The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr. Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer. Upon a motion for the sanctions by Mr Redifer and seconded by Mr. Neff the Board imposed the following monetary penalties **Count I, \$200, 18 VAC 50-22-260(B)(8), Count II, \$750., 18 VAC 50-22-260(B)(6), Count III, \$2,500. and license revocation, 18 VAC 50-22-260(B)(12), Count IV, \$2,500. and license revocation, 18 VAC 50-22-260(B)(12) Total penalties \$ 5,950.** The motion passed unanimously and members voting yes were Mr. Falwell, Mr Hart, Mr. Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr. Orange and Mr Redifer

In the matter of File Number 2002-00392, Michael Layne Tabor t/a G T Construction Co the board reviewed the Disciplinary File which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Michael Layne Tabor and Lance M Hale Esquire attended the IFF but did not attend the Board meeting Mr. Burch was absent and did not vote Upon a motion for the violations by Mr Kirby seconded by Mr Redifer, the board found clear and convincing evidence that G T Construction Co violated the following sections of its 1999 Regulations: **Count I, abandonment 18 VAC 50-22-260(B)(12); Count II, retention of funds 18 VAC 50-22-260(B)(12).** The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr. Neff, Mr Orange and Mr. Redifer. Upon a motion for the sanctions by Mr Kirby and seconded by Mr Redifer the Board imposed the following monetary penalties **Count I, \$2,500, 18 VAC 50-22-260(B)(12), Count II, \$2,500., 18 VAC 50-22-260(B)(12), Total penalties \$5,000.** The motion passed unanimously and members voting yes were Mr Falwell, Mr. Hart, Mr Harris, Mr Kinser, Mr. Kirby, Mr Neff, Mr Orange and Mr Redifer

**6 (3)
File
2002-00392**

In the matter of File Number 2003-01726, Billy Ray Davis t/a New Davis Bros. Carpet, Licensing File the board reviewed the file which consisted of transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Billy Ray Davis attended the IFF but did not attend the Board meeting in person nor by counsel Mr Harris recused himself and did not vote. Upon a motion by Mr Neff seconded by Mr Kirby, the Board adopted the summary and recommendation and incorporated it as a part of the final order. The

**6 (13)
File
2003-01726**

Board considered its September 1, 2002 Regulation: 18 VAC 50-22-40 (E) and other applicable law: §54.1-204 and 54.1-1108.2(A) and it denied Mr. Davis a license based on the nature and severity of the convictions and due to the fact that while released on parole Davis did violate his parole and served another five years due to this offense. The motion passed unanimously Members voting "Yes" were. Mr Falwell, Mr Hart, Mr Hollar, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange, and Mr Redifer.

In the matter of File Number 2002-01294, Edward and Virginia Keith (Complainants) v W. Todd Ross (Respondent) t/a Golden Homes, Inc. Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. W Todd Ross, President of Golden Homes, Inc (Respondent) appeared at the IFF but not at the Board meeting nor were they represented by counsel or by any other qualified representative. Edward and Virginia Keith (Complainants) did not attend the Board meeting but they attended the IFF Mr Harris recused himself and did not vote Upon a motion for the violations by Mr Orange seconded by Mr Neff, the board found clear and convincing evidence that Golden Homes Incorporated violated the following sections of its 1999 Regulations: Count I, failure to use a legible written contract 18 VAC 50-22-260(B)(8); Count II, failure to provide written change orders 18 VAC 50-22-260(B)(6). The motion passed unanimously Members voting "Yes" were Mr. Falwell, Mr Hart, Mr. Hollar, Mr Kinser, Mr Kirby, Mr Neff, Mr. Orange, and Mr Redifer Upon a motion for the sanctions by Mr Orange and seconded by Mr Neff the Board imposed the following monetary penalties Count I, \$300, 18 VAC 50-22-260(B)(8), Count II, \$300., 18 VAC 50-22-260(B)(6), Total penalties \$600. The motion passed unanimously and members voting yes were Mr Falwell, Mr. Hart, Mr Kinser, Mr Kirby, Mr Neff, Mr. Orange and Mr. Redifer

**6 (14)
File
2002-01294**

In the matter of File Number 2001-02327, John Watson and Linda Baumgarten (Complainants) v Michael Don Kerr (Respondent) t/a Stonehouse Cabinets & design Disciplinary File, The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Michael Don Kerr (Respondent) appeared at the IFF but not at the Board meeting nor was he represented by counsel or by any other qualified representative John Watson and Linda Baumgarten (Complainants) did not attend the Board meeting but they attended the IFF Mr Harris

**6 (16)
File
2001-02327**

recused himself and did not vote Upon a motion for the violations by Mr Kirby seconded by Mr Redifer, the board found clear and convincing evidence that Stonehouse Cabinets & Design f/k/a Custom Craft & Design violated the following sections of its 1999 Regulations: Count I, failure to disclose the true scope of the work to the building official 18 VAC 50-22-260(B)(13); Count II, failure to report conviction to the Board in writing 18 VAC 50-22-260(B)(3). Count III, failure to make use of a legible written contract 18 VAC 50-22-260(B)(8). The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion for the sanctions by Mr Falwell and seconded by Mr Redifer the Board imposed the following monetary penalties. Count I, \$1,000, 18 VAC 50-22-260(B)(13), Count II, \$350., 18 VAC 50-22-260(B)(3), Count III, \$1,000, 18 VAC 50-22-260(B)(8) Total penalties \$2,350. The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr Kirby, Mr Neff, Mr. Orange and Mr Redifer

In the matter of File Number 2002-03767, Rebecca A Johnson t/a J & K Construction Services, Licensing File the board reviewed the file which consisted of transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Rebecca A Johnson attended the IFF but did not attend the Board meeting in person nor by counsel Mr Harris recused himself and did not vote Upon a motion by Mr Orange seconded by Mr Neff, the Board adopted the summary and recommendation and incorporated it as a part of the final order and granted Ms. Johnson a license. The motion passed unanimously Members voting "Yes" were Mr Falwell, Mr Hart, Mr Kinser, Mr Neff, Mr Orange, Mr Kirby and Mr Redifer

6 (17)
File
2003-01727

In the matter of File Number 2003-01641, Brandon Shiver t/a Shiver Sealcoating Services, Licensing File the board reviewed the file which consisted of transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Brandon Shiver attended the IFF but did not attend the Board meeting in person nor by counsel Mr Harris recused himself and did not vote Upon a motion by Mr Redifer seconded by Mr Kirby, the Board adopted the summary and recommendation and incorporated it as a part of the final order and granted Mr. Shiver a license. The motion passed unanimously Members voting "Yes" were Mr Falwell, Mr Hart, Mr Kinser, Mr Neff, Mr. Orange, Mr. Kirby and Mr Redifer

6 (20)
File
2003-01641

In the matter of File Number 2001-02505, James Koehr (Complainant) v Timothy N. Hamilton (Respondent), t/a Hamilton Homes The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Timothy N Hamilton (Respondent) appeared at the IFF but not at the Board meeting nor was he represented by counsel or by any other qualified representative James Koehr (Complainants) did not attend the Board meeting but she attended the IFF meeting Mr Harris recused himself and did not vote. Upon a motion for the violations by Mr. Orange seconded by Mr Falwell, the board found clear and convincing evidence that Hamilton violated the following sections of its 1999 Regulations: Count I, failure to make use of a legible written contract 18 VAC 50-22-260(B)(8); Count II, retention of funds 18 VAC 50-22-260(B)(12). Count III, misapplication of funds 18 VAC 50-22-260(B)(8). Count IV, failure to use written change orders, 18VAC50-22-260(B)(6). The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr. Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion for the sanctions by Mr. Orange and seconded by Mr. Redifer the Board imposed the following monetary penalties. The Board imposes the sanction of revocation of Hamilton's license for violations on Counts II, III and IV Count I, amended from \$1,500 to \$300, 18 VAC 50-22-260(B)(8), Count II, \$2,500., 18 VAC 50-22-260(B)(12), Count III, \$2,500, 18 VAC 50-22-260(B)(12), Count IV, \$500. 18 VAC 50-22-260(B)(6) \$500. Total penalties \$5,800. The motion passed unanimously and members Mr Falwell, Mr Hart, Mr Kinser, Mr. Kirby, Mr Neff, Mr Orange and Mr. Redifer

6 (21)
File
2001-02505

In the matter of File Number 2002-03476, Recovery Fund Claim, Christopher Springer (Claimant) and East Coastal Construction t/a East Coastal Construction, (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Hollar was absent and did not vote Mr. Christopher Springer (claimant) was not present at the meeting A representative from East Coastal Construction Inc was not present Upon a motion by Mr Neff, and seconded by Mr Kirby the board adopted the hearing officer's recommendation and approved payment in the amount of \$4,480 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr. Kinser, Mr Kirby, Mr. Orange, Mr Neff and Mr Redifer

6 (22)
File
2002-03476

In the matter of File Number 2003-00139, Recovery Fund Claim, John O and Ledora R Akanni (Claimants) and P J Mallicott t/a Mallicott & Associates Inc, (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Hollar was absent and did not vote Neither the claimant nor the Regulant was present at the Board meeting nor were they represented by counsel nor any responsible person Upon a motion by Mr Kirby seconded by Mr Neff the board adopted the hearing officer's recommendation and approved the denial of payment The denial of payment was based on the lack of evidence to support the finding of improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, Mr Neff and Mr Redifer

**6 (23)
File
2003-00139**

In the matter of File Number 2002-03703 Recovery Fund Claim, Michael T and Catrina Echols (Claimants) and Jacqueline A Sawyer t/a Wishmakers, (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Hollar was absent and did not vote. Michael and Catrina Echols (claimants) was not present at the meeting A representative from Wishmakers (Regulant) was not present Upon a motion by Mr Redifer, and seconded by Mr Orange the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54.1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr. Harris, Mr Kinser, Mr Kirby, Mr Orange, Mr Neff and Mr Redifer

**6 (24)
File
2002-03703**

In the matter of File Number 2002-02893 Recovery Fund Claim, Nancy H. Weaver (Claimant) and David Crigler t/a DBK Contractors, (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Hollar was absent and did not vote Nancy H Weaver (claimant) was not present at the meeting A representative from DBK Contractors (Regulant) was not present. Upon a motion by Mr Neff, and seconded by Mr Redifer the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54 1-1118. The motion passed with a unanimous vote

**6 (25)
File
2002-02893**

Members voting "Yes" were Mr Falwell, Mr. Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr. Orange, Mr Neff and Mr Redifer.

In the matter of File Number 2002-01206, John and Carolyn Langan (Complainants) v Custom Care Remodeling, Inc. (Respondent), t/a Custom Care Remodeling, Inc Disciplinary File The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Custom Care Remodeling, Inc (Respondent) did not appear at the IFF nor at the Board meeting nor were they represented by counsel or by any other qualified representative John and Carolyn Langan (Complainants) did not attend the Board meeting nor the IFF meeting Mr Kirby recused himself and did not vote Upon a motion for the violations by Mr Neff seconded by Mr. Hart, the board found clear and convincing evidence that Custom Care Remodeling, Inc violated the following sections of its 1999 Regulations: Count I, failure to make use of a legible written contract 18 VAC 50-22-260(B)(8); Count II, retention of funds 18 VAC 50-22-260(B)(12). The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr Neff, Mr Orange, Mr Harris and Mr Redifer Upon a motion for the sanctions by Mr Neff and seconded by Mr Orange the Board imposed the following monetary penalties. The Board imposes the sanction of revocation of Custom Care Remodeling, Inc's license for violations on Counts II Count I, \$350, 18 VAC 50-22-260(B)(8), Count II, \$2,500., 18 VAC 50-22-260(B)(12). Total penalties \$2,850. The motion passed unanimously and members Mr Falwell, Mr Hart, Mr Kinser, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

6 (29)
File
2002-01206

In the matter of File Number 2002-03293, Harry W Swisher, Jr. (Respondent), Disciplinary File The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Harry W Swisher, Jr (Respondent) did appear at the IFF but not at the Board meeting nor was he represented by counsel or by any other qualified representative Mr. Kirby recused himself and did not vote Upon a motion for the violations by Mr. Neff seconded by Mr Hart, the board was unable to find clear and convincing evidence that Harry W Swisher, Jr. violated its Regulations: so the Board agreed with the hearing officers findings of no violation but noted that the finding of the Rockbridge County Commonwealth Attorney that a potential for conflict of interest may exist but no compelling evidence to prove Mr. Swisher's actions were in violation of the Board's Regulations were available.

6 (30)
File
2002-03293

The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr Neff, Mr Orange, Mr Harris and Mr Redifer

In the matter of File Number 2002-03294, Harry W Swisher, Jr. (Respondent), Disciplinary File The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Harry W Swisher, Jr (Respondent) did appear at the IFF but not at the Board meeting nor was he represented by counsel or by any other qualified representative Mr Kirby recused himself and did not vote Upon a motion for the violations by Mr Neff seconded by Mr Harris, the board was unable to find clear and convincing evidence that Harry W Swisher, Jr. violated its Regulations: so the Board agreed with the hearing officers findings of no violation but noted that the finding of the Rockbridge County Commonwealth Attorney that a potential for conflict of interest may exist but no compelling evidence to prove Mr. Swisher's actions were in violation of the Board's Regulations were available.. The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr Neff, Mr Orange, Mr Harris and Mr Redifer

6 (31)
File
2002-03294

In the matter of File Number 2003-01598, David Westhoff, Sr, Premier Construction LC (Respondent), Disciplinary File The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Premier Construction did not appear at the IFF or Board meeting nor were they represented by counsel or by any other qualified representative Mr Westhoff appeared at the IFF but not at the Board meeting Mr Kirby recused himself and did not vote. Upon a motion for the violations by Mr Falwell seconded by Mr. Redifer, the board was unable to find clear and convincing evidence that David Westhoff. violated its Regulations: Based upon the evidence provided, Westoff had left the employ of Cedar Homes of VA, Inc. prior to obtaining his license for Premier Construction, LC and prior to the actions taken by the Board for Contractors against Cedar Homes of VA, Inc. so the Board agreed with the hearing officers findings of closing this case with no violations. The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr Neff, Mr Orange, Mr Harris and Mr Redifer

6 (34)
File
2003-01598

In the matter of File Number 2001-01792, Sean Sellari, President of Seclusion Builders, Inc Disciplinary File The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Seclusion Builders did appear at the IFF but not at the Board meeting nor were they represented by counsel or by any other qualified representative Mr Kirby recused himself and did not vote. Upon a motion for the violations by Mr Falwell seconded by Mr Redifer, the board was unable to find clear and convincing evidence that Seclusion Builders, Inc. violated its Regulations: so the Board agreed with the hearing officer's findings of closing this case with no violations. The motion passed unanimously and members voting yes were. Mr Falwell, Mr Hart, Mr Kinser, Mr Neff, Mr Orange, Mr Harris and Mr Redifer

6 (36)
File
2001-01792

In the matter of File Number 2000-02811, Connie Quesenberry (Complainant) v T H E Construction, Inc. (Respondent), t/a T H E Construction, Inc., Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation T H E Construction, Inc (Respondent) did not appear at the IFF nor at the Board meeting nor were they represented by counsel or by any other qualified representative Connie Quesenberry (Complainant) did not attend the Board meeting nor the IFF meeting Mr Kirby recused himself and did not vote. Upon a motion for the violations by Mr Orange seconded by Mr Neff, the board found clear and convincing evidence that THE Construction, Inc violated the following sections of its Regulations: Count I, failure to make use of a legible written contract 18 VAC 50-22-260(B)(8) Effective March 31, 1995, Amended July 15, 1998; Count II, abandonment provision 18 VAC 50-22-260(B)(12) Effective March 31, 1995, Amended July 15, 1998; Count III, retention of funds, 18 VAC 50-22-260(B)(12) Effective May 1, 1999; Count IV, failure to respond as requested is a violation of Board Regulation 18 VAC 50-22-260(B)(11) Effective May 1, 1999 . The motion passed unanimously and members voting yes were Mr. Falwell, Mr Hart, Mr Kinser, Mr Neff, Mr Orange, Mr Harris and Mr Redifer Upon a motion for the sanctions by Mr Orange and seconded by Mr Neff the Board imposed the following monetary penalties The Board imposes the sanction of revocation of The Construction, Inc's license for violations on Counts II and III Count I, \$350, 18 VAC 50-22-260(B)(8), Count II, \$1,000., 18 VAC 50-22-260(B)(12) Count III, \$1,000, 18 VAC 50-22-260 (B)(12); Count IV, \$1,000. 18 VAC 50-22-260(B)(11) Total penalties \$3,350. The motion passed unanimously and members voting yes were Mr Falwell, Mr. Hart, Mr. Kinser, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

6 (37)
File
2000-02811

In the matter of File Number 2002-01879, Roger and Jo Kempfer (Complainants) v Hallmont Homes, Inc. (Respondent), t/a Hallmont Homes, Inc., Disciplinary File The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Hallmont Homes, Inc (Respondent) appeared at the IFF but did not appear at the Board meeting nor were they represented by counsel or by any other qualified representative. Roger and Jo Kempfer (Complainants) did attend the Board meeting but they attended the IFF meeting Mr Neff recused himself and did not vote Upon a motion for the violations by Mr Orange seconded by Mr Redifer, the board found clear and convincing evidence that Hallmont Homes, Inc violated the following sections of its Regulations: Count I, closed with no violation for 18 VAC 50-22-260(B)(16) Effective 2001; Count II, improper contract 18 VAC 50-22-260(B)(8) Effective May 1, 1999; Count III, failure to complete work, 18 VAC 50-22-260(B)(5) Effective September 1, 2001; . The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr Kirby, Mr Orange, Mr. Harris and Mr Redifer Upon a motion for the sanctions by Mr Orange and seconded by Mr Redifer the Board imposed the following monetary penalties: Count II, \$200., 18 VAC 50-22-260(B)(8) Count III, \$1,000, 18 VAC 50-22-260(B)(5); Total penalties \$1,200. The motion passed unanimously and members voting yes were Mr Falwell, Mr Hart, Mr Kinser, Mr Harris, Mr. Neff, Mr Orange and Mr Redifer

6 (40)
File
2002-01879

In the matter of File Number 2002-03226 Recovery Fund Claim, Bonita L Ward-Mumford (Claimant) and Colonial Services Contractors t/a Colonial Services of Hampton Roads, Inc., (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused himself and did not vote Bonita Ward-Mumford (claimant) was not present at the meeting A representative from Colonial Services Contractors (Regulant) was not present Upon a motion by Mr Orange, and seconded by Mr Falwell the board adopted the hearing officer's recommendation and approved payment in the amount of \$5,079 43 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr. Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

6 (43)
File
2002-03226

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In the matter of File Number 2002-03830 Recovery Fund Claim, Byung Chol and Barbara Lee (Claimants) and Millennium Pools and Spas, Inc. t/a Millennium Pools and Spas, Inc. (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused himself and did not vote Byung Chol and Barbara Lee (claimants) were not present at the meeting A representative from Millennium Pools and Spas, Inc. (Regulant) was not present Upon a motion by Mr Kirby, seconded by Mr Neff the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54.1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

**6 (44)
File
2002-03830**

In the matter of File Number 2003-00411 Recovery Fund Claim, C Denton Baker and Laura S Baker (Claimants) and Broadus General Contractors, Inc. t/a Broadus General Contractors, Inc. (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused himself and did not vote C Denton Baker and Laura S Baker (claimants) were not present at the meeting A representative from Broadus General Contractors, Inc (Regulant) was not present Upon a motion by Mr. Neff, seconded by Mr Falwell the board adopted the hearing officer's recommendation and approved payment in the amount of \$7,367.50 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54.1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

**6 (45)
File
2003-00411**

In the matter of File Number 2003-00465 Recovery Fund Claim, Debra Whitty (Claimant) and Brett Mowe, t/a Peninsula Remodelers. (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr Redifer recused himself and did not vote Debra Whitty (claimant) was not present at the meeting A representative from Peninsula Remodelers (Regulant) was not present Upon a motion by Mr Orange, seconded by Mr Hart the board adopted the hearing officer's recommendation and approved payment in the amount of \$1,388. The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote.

**6 (46)
File
2003-00465**

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Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

In the matter of File Number 2001-03045 Recovery Fund Claim, James and Judy Vandyke (Claimants) and Homer L White, t/a White S Heating & Cooling. (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused himself and did not vote James and Judy Vandyke (claimant) was not present at the meeting A representative from White S Heating & Cooling (Regulant) was not present Upon a motion by Mr Orange, seconded by Mr Harris the board adopted the hearing officer's recommendation and approved the denial of payment Based upon information presented at the Recovery Fund IFF the claim does not arise to the definition of improper and dishonest conduct, per §54 1-1118 There was no proof of violations of the Uniform Statewide Building Code There was not sufficient evidence presented to support the claim of damages caused by the installation of the unit No evidence presented at the IFF supported any findings that damage occurred from the installation of the heat pump The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

**6 (47)
File
2001-03045**

In the matter of File Number 2001-03493 Recovery Fund Claim, James K Manning (Claimant) and Harbor Home Construction, Inc., t/a Harbor Home Construction, Inc. (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused himself and did not vote James K Manning (claimant) was not present at the meeting A representative from Harbor Home Construction (Regulant) was not present Upon a motion by Mr. Neff, seconded by Mr Falwell the board adopted the hearing officer's recommendation and approved payment in the amount of \$705 00 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

**6 (48)
File
2001-03493**

In the matter of File Number 2003-00320 Recovery Fund Claim, Mary R White (Claimant) and Kelly R Peregory t/a Master Roofing Company (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused

**6 (52)
File
2003-00320**

himself and did not vote Mary R White (claimant) was not present at the meeting A representative from Master Roofing Company (Regulant) was not present Upon a motion by Mr Kirby, seconded by Mr Hart the board adopted the hearing officer's recommendation and approved payment in the amount of \$9,730 00 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr. Neff

In the matter of File Number 2003-00282 Recovery Fund Claim, Michael and Sandra Beverly (Claimant) and Scott W Halterman t/a Scott W Halterman Contractor (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused himself and did not vote Michael and Sandra Beverly (claimants) were not present at the meeting A representative from Scott W Halterman Contractor (Regulant) was not present Upon a motion by Mr Neff, seconded by Mr. Orange the board adopted the hearing officer's recommendation and approved payment in the amount of \$8,643 00 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

6 (53)
File
2003-00282

In the matter of File Number 2003-00160 Recovery Fund Claim, Olivia Moseley (Claimant) and James D Pridgeon t/a James D Pridgeon (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr Redifer recused himself and did not vote. Olivia Moseley (claimant) was not present at the meeting A representative from James D Pridgeon (Regulant) was not present Upon a motion by Mr Orange, seconded by Mr Kirby the board adopted the hearing officer's recommendation and approved payment in the amount of \$3,318 00 The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr. Falwell, Mr Hart, Mr. Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

6 (55)
File
2003-00160

In the matter of File Number 2003-00225 Recovery Fund Claim, Pamela S Sallie (Claimant) and Mike F Tucker t/a Mike Tucker Home Improvements (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused himself and did not vote Pamela S Sallie (claimant) was not present at the meeting A representative from Mike Tucker Home Improvements (Regulant) was not present Upon a motion by Mr Neff, seconded by Mr Harris the board adopted the hearing officer's recommendation and approved payment in the amount of \$7,807 24 The payment is based on fraud, misrepresentation, improper and dishonest conduct by licensed contractor, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr. Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr. Neff

**6 (56)
File
2003-00225**

In the matter of File Number 2003-00151 Recovery Fund Claim, Randolph W and Betty A Carter (Claimant) and W G Meredith Construction, Inc. t/a W G Meredith (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary Mr Redifer recused himself and did not vote Randolph W and Betty A Carter (claimants) were not present at the meeting A representative from W G Meredith Construction, Inc (Regulant) was not present Upon a motion by Mr Orange, seconded by Mr Hart the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000.00 The payment is based on fraud, misrepresentation, improper and dishonest conduct by licensed contractor, per §54 1-1118 The motion passed with a unanimous vote Members voting "Yes" were Mr Falwell, Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Orange, and Mr Neff

**6 (57)
File
2003-00151**

In the matter of File Number 2001-01578, Church And Associates Inc. t/a Church And Associates Inc., f/d/b/a C & A Pools Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0143. Church And Associates Inc did not appear before the board Mr Kirby recused himself Upon a motion by Mr Orange seconded by Mr Redifer the Board ratified the Consent order as follows for Count I, a monetary penalty of \$500 for violation of the Board's Regulation 18 VAC 50-22-260(B)(6) failing to obtain a written change order, Count II, a monetary penalty of \$300 for the violation of Board regulation 18 VAC 50-22-260(B)(8) improper contract for a total of \$800 hereby imposed Church And Associates Inc acknowledges that the penalty must be paid within thirty days of the order or Church And Associates Inc's license will be suspended

**7 (12)
File
2001-01578**

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The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Kinser, Mr. Neff, Mr. Orange and Mr. Redifer.

In the matter of File Number 2000-03633, William R. Nicely t/a Nicely's Contractors Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0060. Nicely's Contractors did not appear before the board. Mr. Burch was absent and did not vote. Upon a motion by Mr. Redifer seconded by Mr. Orange, the Board ratified the Consent order as follows: for Count I, a monetary penalty of \$300 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8) for a total of \$300 hereby imposed. Nicely's Contractors acknowledges that the penalty must be paid within thirty days of the order or Nicely's Contractors license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Kinser, Mr. Kirby, Mr. Neff, Mr. Orange and Mr. Redifer.

**7(1)
File
2000-03633**

In the matter of File Number 2000-02269, Terry A. Maupin t/a Choice Electric Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0132. Choice Electric did not appear before the board. Mr. Falwell recused himself and did not vote. Upon a motion by Mr. Redifer seconded by Mr. Orange, the Board ratified the Consent order as follows: for Count I, a monetary penalty of \$250 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8) for a total of \$250 hereby imposed. Choice Electric acknowledges that the penalty must be paid within thirty days of the order or Choice Electric's license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Harris, Mr. Kinser, Mr. Kirby, Mr. Neff, Mr. Orange and Mr. Redifer.

**7 (3)
File
2000-02269**

In the matter of File Number 2001-02123, Budget Home Improvements t/a Budget Home Improvements Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0131. Budget Home Improvements did not appear before the board. There was no IFF. Upon a motion by Mr. Redifer seconded by Mr. Orange, the Board ratified the Consent order as follows: for Count I, a monetary penalty of \$250 for violation of the Board's 1995 Regulation amended 1998, 18 VAC 50-22-260(B)(6) for a total of \$250. A remedial education hereby imposed. Budget Home Improvements acknowledges that the penalty must be paid within thirty days of the order or Budget

**7 (14)
File
2001-02123**

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Home Improvement's license will be suspended Remedial Education must be completed within six months of the Consent Order The motion passed with a unanimous vote Members voting "Yes" were Mr Hart, Mr Harris, Mr Falwell, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer.

In the matter of File Number 2002-00997, Angela M Williams t/a Mark's Remodeling & Landscaping Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0101 Mark's Remodeling & Landscaping did not appear before the board There was no IFF Upon a motion by Mr Redifer seconded by Mr Orange the Board ratified the Consent order as follows for Count I, a monetary penalty of \$200 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8) and Remedial Education, Count II, a monetary penalty of \$300 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(6) for a total of \$500 hereby imposed. Mark's Remodeling & Landscaping acknowledges that the penalty must be paid within thirty days of the order or Mark's Remodeling & Landscaping license will be suspended Remedial Education must be completed within six months of the Consent Order The motion passed with a unanimous vote Members voting "Yes" were Mr Hart, Mr. Harris, Mr Falwell, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer.

**7 (15)
File
2002-00997**

In the matter of File Number 2002-01518, Greenwood Gardens Landscaping Inc. t/a Greenwood Gardens Landscaping, Inc. Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0108 Greenwood Gardens Landscaping, Inc did not appear before the board There was no IFF Upon a motion by Mr Redifer seconded by Mr Orange the Board ratified the Consent order as follows for Count I, a monetary penalty of \$100 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(23), Count II, a monetary penalty of \$100 for violation of the Board's 1999 Regulation 18 VAC 50-22-230(A), Count III, remedial education and a monetary penalty of \$150 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8), count IV, a monetary penalty of \$200 00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(9) for a total of \$550 hereby imposed Greenwood Gardens Landscaping, Inc acknowledges that the penalty must be paid within thirty days of the order or Greenwood Gardens Landscaping, Inc license will be suspended Remedial Education must be completed within six months of the Consent Order The motion passed with a unanimous vote Members voting "Yes" were Mr Hart, Mr Harris, Mr Falwell, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer.

**7 (16)
File
2002-01518**

In the matter of File Number 2002-02454, Tracy Lee Burris t/a Stoneman's. Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0134 Stoneman's did not appear before the board There was no IFF. Upon a motion by Mr Redifer seconded by Mr Orange the Board ratified the Consent order as follows for Count I, remedial education and a monetary penalty of \$300 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8), Count II, no monetary penalty for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(22), Count III, a monetary penalty of \$500 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(23), for a total of \$800 hereby imposed Stoneman's acknowledges that the penalty must be paid within thirty days of the order or Stoneman's license will be suspended Remedial Education must be completed within six months of the Consent Order. The motion passed with a unanimous vote Members voting "Yes" were Mr Hart, Mr Harris, Mr Falwell, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer.

7 (18)
File
2002-02454

In the matter of File Number 2002-02526, Stevie Nester t/a Nester's Plumbing. Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0129 Nester's Plumbing did not appear before the board. There was no IFF Upon a motion by Mr Redifer seconded by Mr. Orange the Board ratified the Consent order as follows for Count I and Count II voluntary revocation for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8) and 2001 Regulation 18 VAC 50-22-230 (A) for a total of voluntary vocation hereby imposed Nester's Plumbing acknowledges they must comply with the terms of the order or Nester's Plumbing license will be suspended The motion passed with a unanimous vote Members voting "Yes" were Mr Hart, Mr Harris, Mr Falwell, Mr Kinser, Mr Kirby, Mr. Neff, Mr Orange and Mr Redifer.

7 (20)
File
2002-02526

In the matter of File Number 2002-03558, R W Harper & Son t/a R W Harper & Son Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0109 R W Harper & Son did not appear before the board There was no IFF. Upon a motion by Mr Redifer seconded by Mr Orange the Board ratified the Consent order as follows for Count I, remedial education and a monetary penalty of \$200 for violation of the Board's 1995 Regulation, amended 1998, 18 VAC 50-22-260(B)(8), Count II, remedial education for violation of the Board's 1995 Regulation, amended 1998, 18 VAC 50-22-260(B)(6), for a total penalty of \$200 hereby imposed R W Harper & Son acknowledges that the penalty must be paid within thirty days of the order or R W

7 (21)
File
2002-03558

Harper & Son license will be suspended Remedial Education must be completed within six months of the Consent Order The motion passed with a unanimous vote. Members voting "Yes" were Mr Hart, Mr Harris, Mr Falwell, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer.

In the matter of File Number 2001-02711, **Bator Construction Company t/a Bator Construction Company** Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0048 **Bator Construction Company** did not appear before the board Mr Kirby recused himself and did not vote Upon a motion by Mr Redifer seconded by Mr Orange the Board ratified the Consent order as follows for Count I, a monetary penalty of \$500 for violation of the Board's 1999 Regulation, 18 VAC 50-22-260(B)(6), Count II, a monetary penalty of \$750. for violation of the Board's 1999 Regulation, 18 VAC 50-22-260(B)(21), for a total penalty of \$1,250 hereby imposed. **Bator Construction Company** acknowledges that the penalty must be paid within thirty days of the order or **Bator Construction Company** license will be suspended The motion passed with a unanimous vote Members voting "Yes" were Mr. Hart, Mr Harris, Mr Falwell, Mr Kinser, Mr. Neff, Mr Orange and Mr Redifer.

7 (13)
File
2001-02711

Mr. Falwell left the meeting at 12:10 PM.

In the matter of File Number 2001-01832, **Renee Toutant (Complainant) v Christian Termite & Moisture Control, Inc. (Respondent)** Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Mr Falwell was absent and did not vote **Christian Termite & Moisture Control, Inc.** did not attend the IFF or the Board meeting Upon a motion for violations by Mr Redifer seconded by Mr Orange the Board found clear and convincing evidence that **Christian Termite & Moisture Control, Inc.** violated the following sections of its 1999 Regulations: 18 VAC 50-22-260(B)(8); Count I; For Count II, 18 VAC 50-22-230(A); For Count III, 18 VAC 50-22-260(B)(6) The motion passed unanimously and members voting yes were Mr. Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion for sanctions by Mr Redifer seconded by Mr Harris the Board imposed a \$500 penalty and the sanction of revocation of **Christian Termite & Moisture Control, Inc.'s** license for the violation of 18 VAC 50-22-260(B)(6) Count III a \$500 00 monetary penalty for violation of 18 VAC 50-22-260(6) for a total penalty of \$1,250. **Christian Termite & Moisture Control, Inc.** agrees to license suspension if the penalties are not paid within sixty days of the order

6 (4)
File
2001-01832

The motion passed unanimously and members voting yes were Mr Hart, Mr Kinser, Mr Kirby, Mr Harris, Mr. Neff, Mr Orange and Mr Redifer

In the matter of File Number 2002-02395, B Ray Dillard (Complainant) v James Edward Stott Sr t/a Stott Contracting. (Respondent) Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Mr Falwell was absent and did not vote **Stott Contracting** did not attend the IFF or the Board meeting Upon a motion for violations by Mr Redifer seconded by Mr Orange the Board found clear and convincing evidence that **Stott Contracting** violated the following sections of its 2001 Regulations: 18 VAC 50-22-260(B)(9); Count I; For Count II, 18 VAC 50-22-260(B). The motion passed unanimously and members voting yes were Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion for sanctions by Mr Redifer seconded by Mr. Harris the Board imposed a \$500. penalty for the violation of 18 VAC 50-22-260(B)(9); For Count II a \$1,250 monetary penalty for violation of 18 VAC 50-22-260(18) for a total penalty of \$1,750 **Stott agrees to license suspension if the penalties are not paid within sixty days of the order** The motion passed unanimously and members voting yes were Mr Hart, Mr Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

6 (5)
File
2002-02395

In the matter of File Number 2001-00176, James P Cast t/a J & M Construction Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Mr Falwell was absent and did not vote **James P Cast** did not attend the IFF or the Board meeting Upon a motion for violations by Mr Redifer seconded by Mr Orange the Board found clear and convincing evidence that **James P Cast** violated the following sections of its 1999 Regulations: 18 VAC 50-22-260(B)(1) to wit: §54.1-1100 Count I; For Count II, 18 VAC 50-22-260(B)(6) failed to obtain a permit; Count III 18 VAC 50-22-260(B)(12) abandonment; Count IV, 18 VAC 50-22-260(B)(12) retention of funds. The motion passed unanimously and members voting yes were Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion for sanctions by Mr Neff seconded by Mr. Kirby the Board imposed For Count I a \$250 penalty for the violation of 18 VAC 50-22-260(B)(8); For Count II a \$750 monetary penalty due to the severity of working outside license class the fine was increased from 250 to 750 for violation of 18 VAC 50-22-260(B)(1) to wit: §54.1-1100; For Count III a \$400 monetary penalty for 18 VAC 50-22-260 (B)(6); For Count IV, the fine was increased from 400 to \$1,000. due to the severity of working outside the class

6 (6)
File
2001-00176

and license revocation 18 VAC 50-22-260(B)(12); For Count V \$1,000. for a total penalty of \$3,400 J & M Construction agrees to license suspension if the penalties are not paid within sixty days of the order The motion passed unanimously and members voting yes were Mr Hart, Mr Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

In the matter of File Number 2001-00176, John P O'Brien t/a Alpine Builders Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Mr Falwell was absent and did not vote Alpine Builders did not attend the IFF or the Board meeting Upon a motion for violations by Mr Neff seconded by Mr Kirby the Board found clear and convincing evidence that Alpine Builders violated the following sections of its 1999 Regulations: 18 VAC 50-22-260(B)(8) Count I; For Count II, 18 VAC 50-22-260(B)(12); Count III 18 VAC 50-22-260(B)(12); Count IV, 18 VAC 50-22-260(B)(12);. Count V, 18 VAC 50-22-260(B)(1)to wit: §54.1-1100. The motion passed unanimously and members voting yes were: Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion for sanctions by Mr Neff seconded by Mr. Kirby after a review of the documents the Board voted to increase the monetary penalties due to the severity of the violations For Count I a \$500. penalty for the violation of 18 VAC 50-22-260(B)(8); For Count II a \$1,000. with revocation for violation of 18 VAC 50-22-260(B)(12); For Count III a \$1,000 monetary penalty for 18 VAC 50-22-260 (B)(12); For Count IV, the fine was increased from 500 to \$1,000. for violation of 18 VAC 50-22-260(B)(12); For Count V \$750. for violation of 18 VAC 50-22-260(B)(1) to wit 54.1-1103; For Count VI \$250. for violation of 18 VAC 50-22-230(B); for Count VII \$750. for violation of 18 VAC 50-22-260(B)(11) for a total penalty of \$5,250 The Board imposes the sanction of license revocation for counts II, III and IV. Alpine Builders agrees to license suspension if the penalties are not paid within sixty days of the order. The motion passed unanimously and members voting yes were Mr Hart, Mr Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr. Orange and Mr Redifer

6 (7)
File
2001-02712

In the matter of File Number 2001-02931, Lakeside Heating & Air t/a Lakeside Heating & Air Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Mr Falwell was absent and did not vote Lakeside Heating & Air did not attend the IFF or the Board meeting Upon a motion for violations by Mr Neff seconded by Mr. Kirby the Board found clear and convincing

6 (8)
File
2001-02931

evidence that Lakeside Heating & Air violated the following sections of its 1999 Regulations: 18 VAC 50-22-260(B)(9) Count I; For Count II, 18 VAC 50-22-260(B)(6); Count III 2001 Regulations 18 VAC 50-22-260(B)(13); Count IV, 1999 Regulations 18 VAC 50-22-260(B)(6);. Count V, 18 VAC 50-22-260(B)(8). The motion passed unanimously and members voting yes were. Mr. Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer. Upon a motion for sanctions by Mr Neff seconded by Mr Redifer after a review of the documents the Board voted to increase the monetary penalties due to the severity of the violations. For Count I a \$250 penalty for the violation of 1999 Regulation 18 VAC 50-22-260(B)(9); For Count II the fine increased from \$750 to a \$1,000. penalty with revocation for violation of 1999 Regulation 18 VAC 50-22-260(B)(6); For Count III the fine increased from \$500 to a \$750. monetary penalty for 2001 Regulation 18 VAC 50-22-260 (B)(13); For Count IV, the fine was increased from 500 to \$1,000. for violation of 18 VAC 50-22-260(B)(6); for a total penalty of \$2,750. The Board imposes the sanction of license revocation for counts II but not to impose revocation for Count IV. Lakeside Heating & Air agrees to license suspension if the penalties are not paid within sixty days of the order. The motion passed unanimously and members voting yes were Mr Hart, Mr. Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

In the matter of File Number 2002-00449, Leslie E Hess Sr (Respondent) Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Mr Falwell was absent and did not vote Leslie E Hess Sr did not attend the IFF or the Board meeting Upon a motion for violations by Mr Kirby seconded by Mr Redifer the Board found clear and convincing evidence that Leslie E Hess Sr violated the following sections of its 1999 Regulations: 18 VAC 50-22-260(B)(2); Count I. The motion passed unanimously and members voting yes were Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion for sanctions by Mr. Redifer seconded by Mr. Hart the Board imposed remedial education and a \$750 penalty for the violation of 18 VAC 50-22-260(B)(2) for a total penalty of \$750 Leslie E Hess Sr agrees to license suspension if the penalties are not paid within sixty days of the order. Remedial Education must be completed within sixty days of the final order. The motion passed unanimously and members voting yes were Mr Hart, Mr Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

6 (9)
File
2002-00449

In the matter of File Number 2000-03730, Tracy Flynn Combs t/a Do It Right Roofing Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Mr Falwell was absent and did not vote. Tracy Flynn Combs did not attend the IFF or the Board meeting. Upon a motion for violations by Mr Harris seconded by Mr Kirby the Board found clear and convincing evidence that Tracy Flynn Combs violated the following sections of its 1999 Regulations: 18 VAC 50-22-260(B)(8) Count I; For Count II, 18 VAC 50-22-230(A); Count III 18 VAC 50-22-260(B)(6). The motion passed unanimously and members voting yes were Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer. Upon a motion for sanctions by Mr Neff seconded by Mr Kirby after a review of the documents the Board voted to amend Count III to \$1,000 for the severity of the violations of non completion of work identified. For Count I a \$250 penalty for the violation of 1999 Regulation 18 VAC 50-22-260(B)(8); For Count II \$500. penalty for the violation of 1999 Regulation 18 VAC 50-22-230(A); For Count III the fine increased from \$750 to a \$1,000. monetary penalty for violation of 1999 Regulation 18 VAC 50-22-260 (B)(6); for a total penalty of \$1,750. The Board imposes the sanction of revocation of Tracy Flynn Combs' license for the violations of 18 VAC 50-22-260(B)(6). Tracy Flynn Combs' agrees to license suspension if the penalties are not paid within sixty days of the order. The motion passed unanimously and members voting yes were Mr Hart, Mr Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr Orange and Mr Redifer.

6 (10)
File
2000-03730

In the matter of File Number 2001-01628, Vincent T Harrison t/a Harrison Construction (Respondent) Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Mr Falwell was absent and did not vote. Vincent T Harrison did not attend the IFF or the Board meeting. Upon a motion for violations by Mr Kirby seconded by Mr Redifer the Board found clear and convincing evidence that Vincent T Harrison violated the following sections of its 1995 Regulations (amended July 1998): 18 VAC 50-22-260(B)(6); Count I; Count II. 18 VAC 50-22-260(B)(21); Count III, 18 VAC 50-22-260(B)(8); Count IV, 18 VAC 50-22-260(B)(12). The motion passed unanimously and members voting yes were Mr Hart, Mr Harris, Mr. Kinser, Mr Kirby, Mr. Neff, Mr Orange and Mr Redifer. Upon a motion for sanctions by Mr Redifer amending Count IV's penalty from \$500 to \$1,000. based on the failure to complete the work and the retention of funds seconded by Mr. Hart the Board imposed the sanction of revocation of Vincent T Harrison's license for violations of Count I and IV and the following monetary penalties \$400. for the

6 (11)
File
2001-01628

violation of 18 VAC 50-22-260(B)(6) Count I; \$400. for 18 VAC 50-22-260(B)(21) Count II; \$500. for 18 VAC 50-22-260(B)(8) Count III; \$1,000. for 18 VAC 50-22-260(B)(12). Count IV; for a total penalty of \$2,300 Vincent T Harrison agrees to license suspension if the penalties are not paid within sixty days of the order. The motion passed unanimously and members voting yes were Mr Hart, Mr Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

In the matter of File Number 2000-02546, William E Cunningham t/a Select Home Improvements Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Mr Falwell was absent and did not vote William E Cunningham did not attend the IFF or the Board meeting Upon a motion for violations by Mr Redifer seconded by Mr Kirby the Board found clear and convincing evidence that William E Cunningham isolated the following sections of its 1999 Regulations: 18 VAC 50-22-260(B)(1) to wit: §54.1-1100 Code of Virginia Count I; For Count II, 18 VAC 50-22-260(B)(23); Count III 18 VAC 50-22-260(B)(8). The motion passed unanimously and members voting yes were Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr Neff, Mr Orange and Mr Redifer Upon a motion for sanctions by Mr. Orange seconded by Mr Neff after a review of the documents the Board voted to amend Count I and remove the license revocation and impose the following penalties For Count I a \$750 penalty for the violation of 18 VAC 50-22-260(B)(1); For Count II \$500. penalty for the violation of 18 VAC 50-22-260(B)(23); For Count III \$750 monetary penalty for violation of 18 VAC 50-22-260(B)(8); for a total penalty of \$2,000. William E Cunningham agrees to license suspension if the penalties are not paid within sixty days of the order. The motion passed unanimously and members voting yes were Mr. Hart, Mr Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

**6 (12)
File
2000-02546**

In the matter of File Number 2001-03421, Design Builders & Associates, Inc (Respondents) Disciplinary File the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Mr McDowell was absent and did not vote Design Builders & Associates, Inc did attend the IFF but not the Board meeting Upon a motion for violations by Mr Kirby seconded by Mr Hart the Board closed Count I with a finding of no violation for its 1999 Regulation 18 VAC 59-22-230(A) and the Board found clear and convincing evidence that Design Builders & Associates, Inc violated the following sections of its 1999 Regulations: 18 VAC 50-22-260(B)(8)(h) Count II; For Count III, 18

**6 (39)
File
2001-03421**

VAC 50-22-260(B)(6); Count IV 18 VAC 50-22-260(B)(21); For Count V, 18 VAC 50-22-260(B)(6). The motion passed unanimously and members voting yes were Mr Hart, Mr Harris, Mr Kinser, Mr Kirby, Mr. Neff, Mr Orange and Mr Redifer Upon a motion for sanctions by Mr Neff seconded by Mr Harris the Board imposed the following penalties For Count II a \$250 penalty for the violation of 18 VAC 50-22-260(B)(8)(h); For Count III \$250. penalty for the violation of 18 VAC 50-22-260(B)(6); For Count IV \$1,000. monetary penalty for violation of 18 VAC 50-22-260 (B)(21); Count V \$2,000 18 VAC 50-22-260(B)(6) for a total penalty of \$3,500 Design Builders & Associates, Inc agrees to license suspension if the penalties are not paid within sixty days of the order. The motion passed unanimously and members voting yes were Mr Hart, Mr. Kinser, Mr Kirby, Mr Harris, Mr Neff, Mr Orange and Mr Redifer

In the matter of File Number 2003-01542, Robert Eugene Roberts Tradesman License Application, Licensing File the board reviewed the file which consisted of transcript and exhibits from the IFF and the presiding Board Members summary and recommendation Robert Eugene Roberts attended the IFF but did not attend the Board meeting in person nor by counsel Mr Paulette was absent and did not vote Upon a motion by Mr Neff seconded by Mr. Kirby, the Board adopted the summary and recommendation and incorporated it as a part of the final order and granted Mr. Roberts a license. The motion passed unanimously Members voting "Yes" were Mr Hart, Mr Harris, Mr Kinser, Mr Neff, Mr Orange, Mr Kirby and Mr Redifer.

6 (42)
File
2003-01542

At 12:35 PM the Board took a Break. They reconvened at 12:55 PM.

Steve Arthur, Deputy Director, gave the Board members a presentation Mr Arthur shared a slide show of the March 2003 Department of Professional and Occupational Regulations fire He described the damage and shared the innovative plans initiated in the interim period where construction is taking place and personnel are redirected to other work areas

Other
Board
Business

Eric Olson, Executive Director, Board for Contractors discussed the reciprocal agreements and shared with the Board that Georgia and West Virginia have agreed to reciprocate and accept each other's exams. We are waiting on Georgia's Board to meet again Now we have reciprocity with Maryland for electrical only not HVCA We have reciprocity with North Carolina, West Virginia and Georgia for electricians only

Reciprocal
Agreement
Update

Contractor Board Meeting Minutes

April 16, 2003

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The Draft Criminal Matrix was discussed Mr Orange motioned to table the Criminal matrix decision until the next meeting on May 28, 2003, this would allow members more time to study it Mr Neff seconded it Members voting yes were Mr Orange, Mr Neff, Mr Redifer, Mr Harris, Mr Kinser Members voting no were Mr Kirby and Mr Hart. The motion was accepted

**Criminal
Matrix**

Mr Neff motioned to adopt the Financial Review Report Mr Orange seconded the motion Members voting yes were: Mr. Hart, Mr Redifer, Mr Orange, Mr Harris, Mr Kirby, Mr Neff and Mr Kinser The vote was unanimous

**Financial
Review
Matrix**

The Board Members reviewed and discussed the remedial education report

**Remedial
Education
Report**

Eric Olson, Executive Director, Board for Contractors discussed a tradesman situation with the Board There are some Plummer's with locality cards and the Contractor's Board Staff need permission to give Master Cards under exemption clause Mr Orange offered a motion to grant the exemption and Mr Kirby seconded the motion The vote was unanimous Members voting yes were Mr Hart, Mr Redifer, Mr Orange, Mr Harris, Mr Kirby, Mr Neff and Mr Kinser.

**New
Business**

Eric Olson, Executive Director, Board for Contractors provided information on the Public Comment Summary NOIRA. He briefed the Board members on the process and the types of questions/comments received from the public, the contractors and the tradesman in attendance at the seminars and meetings have asked of him Mr Olson gave the Board Members a Public Comment Summary NOIRA handout It was discussed and Mr Redifer offered a motion to accept the responses of the Public Comment and Mr Hart seconded the motion. The vote was unanimous. Members voting yes were Mr Hart, Mr Redifer, Mr Orange, Mr Harris, Mr Kirby, Mr Neff and Mr Kinser

**Public
Comment**

Eric Olson, Executive Director, Board for Contractors reminded the Board members they have copies of the Recovery Fund reports for February and March 2003 in their handouts for their review

**Recovery
Fund
Statements
Eric Olson**

Chairman Kinser reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing

**Travel
Vouchers/
Conflict of**

Contractor Board Meeting Minutes

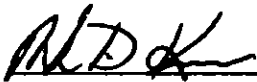
April 16, 2003

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**Interest
Forms**

Their being no further business to come before the board, the meeting was adjourned upon a motion by Mr Redifer and seconded by Mr Hart The vote was Members voting yes were, Mr Hart, Mr. Harris, Mr Neff, Mr. Kirby, Mr Kinser, Mr Orange, and Mr. Redifer at 2 10 p m

**Adjournm
ent**



Mark D Kinser, Chairman



Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1 Name: Charles W. Falwell

2. Title: Member - Board for Contractors

3 Agency: Department of Professional & Occupational Regulation

4 Transaction. **CONTRACTORS BOARD MEETING**


5. Nature of Personal Interest Affected by Transaction:

N/A

6 I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.

☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

April 16, 2003
Date

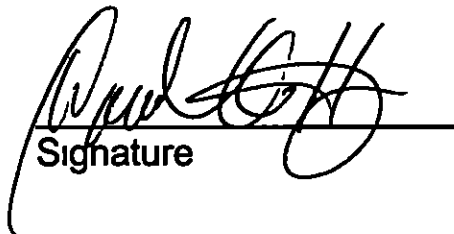
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: **David O. Harris, Sr.**
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

April 16, 2003
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

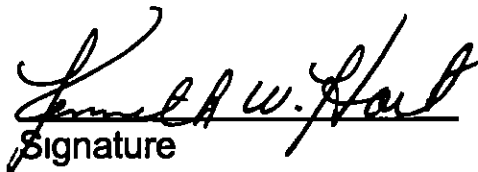
1. Name: **Kenneth W. Hart**
2. Title. **Member - Board for Contractors**
3. Agency. **Department of Professional & Occupational Regulation**
- 4 Transaction: **CONTRACTORS BOARD MEETING**
- 5 Nature of Personal Interest Affected by Transaction:

6 I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.
- _____



I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

April 16, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT


1. Name: **Mark D. Kinser**
2. Title: **Member - Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that.

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction
- _____

☒ (b)

I am able to participate in this transaction fairly, objectively, and in the public interest


Signature

April 16, 2003
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

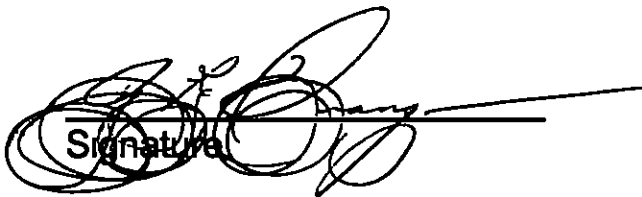
- 1 Name: Anthony R. Orange
- 2 Title: Member - Board for Contractors
- 3 Agency: Department of Professional & Occupational Regulation
- 4 Transaction: **CONTRACTORS BOARD MEETING**
- 5 Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.

LOCAL UNION 666

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

April 16, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

D.E. Kirby, Inc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. E. Kirby, Inc. Kirby & Kirby Assoc. Builders &

Contractors Exchange, Inc. of Virginia

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest

Robert M. Kirby
Signature

April 16, 2003
Date

STATE AND LOCAL GOVERNMENT

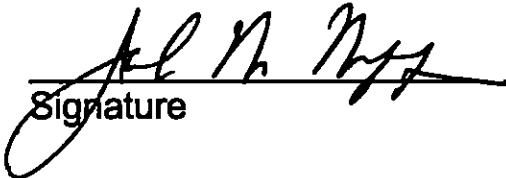
CONFLICT OF INTEREST ACT

1. Name: John N. Neff
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

April 16, 2003
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

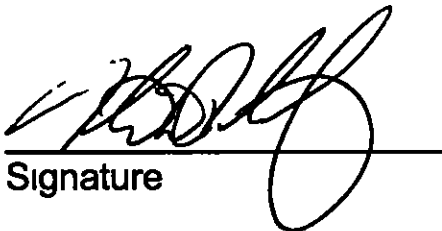
1. Name: **Michael D. Redifer**
2. Title. **Member - Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6 I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VBOD, VBMA, IAET, IL, NFPA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

April 16, 2003
Date